IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.788 OF 2004

M/s. Nikhil Builders.
through its proprietor
Shri Namdeo Govind Pashte. ... Appellant.

V/s.

The Chairman,
Yerwada Gadi Wadari Mazdoor
Sahakari Society Ltd. & Ors. ... Respondent

Shri C.D.Konale, Advocate for Appellant
Shri N.B.Shah h/f Piyush Shah, advocate for Respondent

Coram: Smt.Nishita Mhatre, J.
Dated: 18th October, 2004.

P.C.:

1. This Court on 7th September, 2004 has already passed an order after hearing advocate for appellant that no case has been made out for interference with the impugned order. However, on the same date, notice was issued to the respondent for the limited purpose of hearing the respondent on the question as to whether the transactions, if any, in respect of the Suit property, made after 7th September, 2004 should be subject to the result of the Judgment and Decree of the Trial Court.

2. The learned advocate for the appellant submits that the transactions relating to the suit property entered into by the respondent with third parties are not legal; therefore, any such transaction in respect of the suit property should be made subject to the

result of the Judgment and Decree which may be passed by the Trial Court. Shri Shah, advocate appearing for the respondent rightly submits that it would be open for the appellant to register a notice of lis pendens. I see no reason to interfere with the impugned order. Hence dismissed.

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